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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/458,321	12/10/99	SON	Y 533/040

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WM02/0327

## EXAMINER

SRIVASTAVA, V

ART UNIT PAPER NUMBER

2611

DATE MAILED: 03/17/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

## Office Action Summary

Application No. 09/458,321	Applicant(s) Yong Ho Son et al
Examiner Vivek Srivastava	Group Art Unit 2611

Responsive to communication(s) filed on May 15, 2000.

This action is FINAL.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

### Disposition of Claims

Claim(s) 10-29 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 10-29 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

### Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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**DETAILED ACTION**

***Specification***

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CAR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the specification fails to recite the first level of control capability and second level of control capability as recited in claim 25. The Examiner has assumed the first level of control capability to be screen control capability and the second level of control capability to be image control capability.

***Claim Rejections - 35 U.S.C. § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 15 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claim 15 lines 2 - 3 recites "comprises control information". The claim is indefinite because it is not clear if the control information in claim 15 is the same as the "control information" in claim 14 line 3.

***Claim Rejections - 35 U.S.C. § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

5. Claims 10 - 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Cohen et al (6,011,918).

Considering claim 10, Cohen discloses a method of adapting asset delivery within a heterogeneous information distribution system (col 2 lines 55 - 67, col 16 line 9 - 61, asset met by client code applications), determining for each set top terminal requesting a session (col 1 lines 11 - 25, col 2 lines 55 - 64, col 16 line 9 - 61, fig 1 set top met by desktop computer) a capability level of the STT and capability level of the distribution network (col 16 lines 25 - 48), selecting, from a plurality of available assets, those assets appropriate to capability level of STT (col 4 lines

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33 - 44, col 16 lines 9 - 61), and providing the selected assets in response to STT communications indicative of a need for assets (col 4 lines 33 - 44, col 16 lines 9 - 61).

Considering claim 11, Cohen discloses wherein the capability level is defined in terms of at least one of a graphics processing capability, a command processing capability, a video processing capability, an audio processing capability and a bandwidth capability (col 16 lines 25 - 38, see CPU capability).

Considering claim 12, Cohen discloses wherein assets are stored in an asset data base, each of stored assets being associated with at least one STT capability level (col 16 lines 9 - 61, fig 19, capabilities matched with code).

Considering claim 13, Cohen discloses wherein the step of selecting comprises the step of selecting, from asset data base, an asset having associated with it the capability level of the STT requiring the asset (col 4 lines 33 - 44, col 16 lines 25 - 61).

***Claim Rejections - 35 U.S.C. § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen et al (6,011,918) in view of Barraud (6,088,051) in view of de Vos et al (6,167,044).

Regarding claim 14, Cohen fails to disclose the claimed wherein assets comprise navigation assets including video information, graphics information and control information.

Cohen discloses distributing asset application codes to a STT depending on the STT capabilities (col 16 line 9 - 61). Barraud teaches providing navigational assets to a STT based on performance requirements, or the capabilities, of the STT (col 3 lines 1 - 28, see "four button cursor"). De Vos teaches providing a menu from a navigational device provides a user with service items wherein the navigational menu comprises video information and control data in graphical form to facilitate a choice for the end user (col 5 lines 5 - 30). It would have been obvious providing navigational assets with video information, graphics information and control information based on the capability of a STT in Cohen would have provided a client with an interactive means of navigating through the available applications while enabling fast choice selection. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made, to modify Cohen to include the claimed navigational assets to provide a user with a fast interactive means of navigating to facilitate a choice of application.

Regarding claim 15, Cohen fails to disclose the claimed wherein initial navigation asset provided to a set top terminal comprises control information indicative of related navigational assets within asset data base having associated with them a capability level of STT receiving the initial navigational asset.

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Cohen discloses selecting an application from a database for an STT based on the capabilities of the STT. De Vos teaches providing an initial navigational asset to STT, wherein the asset comprises control information which links the asset to other related assets (col 5 lines 6 - 30, initial asset met by menu - selections are downloaded from menu). Barraud teaches providing navigational assets to a STT based on the performance requirements or capability level of the STT (col 3 lines 1 - 28). It would have been obvious including an initial navigational asset provided to a set top terminal comprising control information indicative of related navigational assets within a data base having associated with them a capability level of the STT receiving the initial navigational asset would have provided a STT with links to additional customized related assets. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made, to modify Cohen to include the claimed providing the initial navigational asset to the STT to provide a STT with links to other customized navigational assets

8. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen et al (6,011,918) in view of de Vos et al (6,167,044) and Barraud (6,088,051), as applied to claim 15 above, and further in view of Eyzaguirre et al (6,191,786).

Regarding claim 16, Cohen, de Vos and Barraud fail to disclose the claimed navigation assets comprise applets including video information, graphic information and control information, the applets being provided to a set top terminal in response to user interaction with control information at set top terminal indicative of need for stored applets.

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As discussed in claims 14 and 15, the combination of Cohen, de Vos and Barraud disclose providing navigational assets comprising video information, graphic information and control information to a set top terminal, with the navigational assets being provided in response to user interaction with control information at the set top terminal indicative for the need (request) for stored assets. Eyzaguirre teaches control elements include navigational links such as Java applets (col 9 lines 40 - 44). It would have been obvious including applets as navigational assets would have provided control information for customized linking to other related applets. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made, to modify the combination of Cohen, de Vos, and Barraud to include the claimed navigation assets comprising applets to provide customized linking to additional related applets and assets resulting in greater access to information.

9. Claims 17, 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen (6,011,918) in view of Engstrom (6,044,408).

Considering claim 17, Cohen discloses an interactive information distribution system including information provider equipment coupled to subscriber equipment via a communications network, a method for adapting provided information to a set top terminal (col 1 lines 11 - 25, col 2 lines 55 - 67, col 4 lines 33 - 39, col 16 lines 9 - 61, set top met by desktop computer), determining, during a session initiation, a capability level of the STT, the determination being made by comparing STT configuration information to a data base of STT capability information

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(col 4 lines 33 - 39, col 16 lines 25 - 61), providing, to STT in response to an STT request for information, information tailored to the determined capability level of the STT (col 4 lines 33 - 39, col 16 lines 9 - 61, applications provided are tailored or adapted for STT). Cohen fails to disclose each of the set top terminals having a common video information processing architecture, one of a plurality of control architectures, and one of a plurality of graphics processing architectures.

Engstrom teaches multimedia devices in computer systems having hardware and software capabilities like display controllers (col 1 lines 41 - 47 - video information processors), plurality of control architectures (col 5 line 31 - col 6 line 37, see control unit 36 and display controller 86) and a plurality of graphics architectures (col 1 lines 41 - 47 see graphic accelerators) wherein by identifying capabilities, a request or application can be optimized (Abstract, col 6 lines 28 - 33). It would have been obvious including set top terminals with a common video information processing architecture, one of a plurality of control architectures, and one of a plurality of graphics processing architectures would have provided a STT with the ability to process and display video data and would have optimized a user's request by providing optimum applications with respect to control and graphical processing. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Cohen to include an STT having a common video information processing architecture, one of a plurality of control architectures, and one of a plurality of graphics processing architectures to provide a STT with the ability to display video signals and to provide a user with optimized graphics and control applications.

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Regarding claim 18, Cohen fails to disclose wherein the provided information is optimized, either in real time or before storage, to each of the possible STT capability levels.

Cohen discloses providing applications to a STT based on the capability of the STT. Engstrom teaches a system which offers real - time applications (col 13 lines 33 - 44) wherein a request and application are optimized based on capabilities (Abstract, col 3 lines 57 - 65). It would have been obvious providing a real - time system wherein the information provided is optimized in accordance with the capability of the STT would have provided a user with optimized applications. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include the claimed optimizing the provided information in real - time to provide a STT with optimized applications.

Considering claim 20, Cohen discloses wherein the capability level is defined in terms of at least one of a graphics processing capability, a command processing capability, a video processing capability, an audio processing capability and a bandwidth capability (col 16 lines 25 - 38, see CPU capability).

10. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen (6,011,918) in view of Engstrom (6,044,408), as applied to claim 17 above, and further in view of Barraud (6,088,051).

Regarding claim 19, Cohen fails to disclose wherein provided information comprises navigator assets optimized to each of the possible STT capability levels to provide a plurality of

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respective navigator assets, each of respective navigator assets having associated with it a respective STT capability level.

Cohen discloses providing requested assets or applications to a STT based on the STT capabilities. Engstrom teaches a request can be optimized based on the knowing the capability of a terminal. Barraud teaches a set top unit has a minimum application capability, in particular minimum navigational performance requirements or navigator assets (see "four - button cursor" or "select / unselect button" in col 3 lines 1 - 20). It would have been obvious providing navigator assets optimized to each of the STT levels would not only provided a STT with interactive navigational assets but would have also have ensured the navigational assets would have been optimized. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combination of Cohen and Engstrom to include providing the claimed navigator assets to provide a STT with interactive navigational assets which would have been optimized.

11. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen (6,011,918) in view of Engstrom (6,044,408), and further in view of Barraud (6,088,051), as applied to claim 19 above, and further in view of de Vos et al (6,167,044).

Regarding claim 21, the combination of Cohen, Engstrom and Barraud fail to disclose the claimed wherein navigation assets include video information, graphics information and control

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information, the navigational assets being provided by the information provider in response to requests from subscriber equipment.

As discussed in claim 19, the combination of Cohen, Engstrom and Barraud discloses providing navigation assets in response to a request from the subscriber. De Vos teaches a navigation device which provides a menu to a user wherein the navigational menu comprises video information and control data in graphical form to facilitate a choice for the end user (col 5 lines 5 - 17). It would have been obvious providing navigational assets comprising video information, graphics information and control information would have provided a STT user with interactive navigational assets enabling fast choice for selecting applications. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made, to modify the combination of Cohen, Engstrom and Barraud to include the claimed navigational assets to provide a user with interactive navigational assets enabling fast choice selection for applications.

12. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen (6,011,918) in view of Engstrom (6,044,408), and further in view of Barraud (6,088,051), and further in view of de Vos (6,167,044) as applied to claim 21 above, and further in view of Eyzaguirre et al (6,191,786).

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Regarding claim 22, Cohen, Engstrom, Barraud and de Vos fail to disclose wherein navigational assets comprise applets, and requests comprise leads to applets stored within control information of assets.

The combination of Cohen, Engstrom, Barraud and de Vos discloses providing customized navigational assets in the form of a menu which provide links to other assets. Eyzaguirre teaches a navigational asset (fig 7) comprise applets, where requests comprise leads to applets stored with control information of assets (fig 7, col 9 lines 41 - 44, control elements comprises applets when selected lead to other assets). It would have been obvious including navigational assets comprising applets would have provided a quick link to other related assets. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made, to modify the combination of Cohen, Engstrom, Barraud and de Vos to include the claimed navigation assets to provide a STT with quick links to additional related assets resulting in access to a greater amount of information.

13. Claims 23 - 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Utsumi (6,195,677) in view of Barraud (6,088,051) and in view of Engstrom (6,044,408).

Considering claim 23, Utsumi discloses an information distribution system including information provider equipment and information subscriber equipment (col 4 lines 22 - 45, col 5 lines 12 - 42, fig 1), the information subscriber equipment comprising a set top terminal (set top terminal is met desktop PC - col 14 lines 65 - 67), a session controller, for interacting with each

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STT to responsively provide at least content streams (col 4 lines 12 - 45, session controller, met by data processing section, provides content streams to a plurality of terminals), provided content streams being adapted to a processing capability of the STT requesting the provided content stream (col 4 lines 5 - 45, fig 1, adapted met by converting), storing within a data base, information indicative of the processing capability of the STT (col 5 lines 50 - 67, col 15 lines 45 - 50).

Although Utsumi discloses each STT providing a level of image processing capability (col 4 lines 12 - 45, col 18 lines 44 - 46), Utsumi fails to disclose each of STT's providing at least a minimum level of graphics processing capability and a minimum level of image processing capability. Engstrom teaches returning hardware and software capabilities including 3D graphics to optimize the performance of a request (Abstract). Barraud teaches a set top providing minimum performance requirements to a server so a server can provide applications according to the minimum capability (col 3 lines 1 - 25). It would have been obvious providing a minimum predefined graphics processing capability and image processing capability would optimize a user's request and would have ensured that the set top would have been capable of processing the requested application. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Utsumi to include the claimed minimum level of graphics capability and a minimum level of image processing capability to optimize a user's request and to ensure a STT is capable of processing a requested application.

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Utsumi fails to disclose providing content streams being adapted to a video processing capability and storing information indicative of the video processing capability of the STT. Barraud discloses a set top terminal which provides its performance capabilities to a server and a server which provides video services (col 3 lines 1 - 66, col 5 lines 1 - 7). Providing content streams being adapted to a video processing capability and for storing information regarding the video processing capability of the STT would have provided a STT user with access to video services and would have ensured the STT is capable of processing these services. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Utsumi to include the claimed a video processing capability to provide a user with video services and to ensure the video services could be processed by the set top.

Considering claim 24, Utsumi fails to disclose wherein the session controller causes graphic assets to be provided to STTs, the provided graphic assets being adapted to graphics processing capabilities of STTs, and information indicative of the graphics processing capabilities of the STTs being stored in the data base.

Utsumi discloses providing assets to STTs wherein the assets are adapted to the processing capabilities of the STTs and wherein the information of the processing capabilities of the STTs are stored in the data base (col 4 lines 12 - 45, col 5 lines 25 - 55, col 15 line 46 - col 16 line 39). Engstrom recognizes the fact the terminals have different graphics capabilities and thus teaches returning graphics capabilities of a multimedia device (Abstract, col 3 lines 58 - 65). It would have been obvious providing graphic assets to the STT with respect to the graphics

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capabilities of a STT stored in a data base would ensure that the STT could process and display the graphical data. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Utsumi to include the claimed adapting graphic assets to be provided to STTs with information indicative of the graphics processing capabilities of the STTs being stored in the data base to ensure a STT has the capability to process and display the requested graphic assets.

Considering claim 25, Utsumi discloses wherein each of the STTs has associated with it one of a first level of control capability and a second level of control capability (col 17 lines 50 - 63, col 25 lines 13 - 34, col 15 line 46 - col 16 line 27, col 17 line 58 - col 18 line 23), the session controller providing control related assets to the STT in accordance with control capability of the STT, information indicative of a level of control capability with each STT being stored in the data base (col 4 lines 11 - 45, col 15 line 46 - col 16 line 27, col 17 line 58 - col 18 line 23).

Considering claim 26, Utsumi discloses each of the STTs has associated with it one of a plurality of predefined control capabilities (col 17 lines 50 - col 18 line 25, col 25 lines 13 - 34, col 15 line 46 - col 16 line 27, control capabilities include display control, operation control, CPU control), the combination of Utsumi, Barraud and Engstrom discloses a predefined graphics processing capability as discussed in claim 23. Utsumi discloses a session controller for providing control related assets (col 4 lines 12 - 45, col 17 lines 50 - 63, col 25 lines 13 - 34, col 18 lines 15 - 22) in accordance with the control capability of the STT but fails to disclose a session controller providing graphic assets to each STT in accordance with the graphics capability of the STT.

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Engstrom teaches returning hardware and software capabilities, including 3D graphics, optimizes an STT request and application (Abstract, col 6 lines 28 - 32). It would have been obvious including a session controller providing graphic assets to each STT in accordance with the graphics capability would have optimized a STT request and application. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made, to modify Utsumi to include the claimed session controller providing graphic assets to each STT in accordance with the graphics capability to optimize a STT request and application.

14. Claims 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Utsumi (6,195,677) in view of Barraud (6,088,051) and Engstrom (6,044,408), as applied to claim 26 above, and further in view of de Vos et al (6,167,044).

Regarding claim 27, the combination of Utsumi, Barraud and Engstrom fail to disclose the claimed wherein assets comprise navigation assets including video information, graphics information and control information.

Utsumi discloses navigation assets like icons (col 16 lines 1 - 3) and discloses providing data to a STT based on the capability of the STT. Barraud teaches providing navigation assets to a STT based on the performance requirements of capability of the STT (see above). De Vos teaches a menu from a navigational device provides a user with service items, wherein the navigational menu comprises video information and control data in graphical form to facilitate a choice for the end user (col 5 lines 5 - 17). It would have been obvious providing navigational

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assets with video information, graphics information and control information would have provided a STT with customized interactive navigational assets based on the STT capability with links to additional related assets. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made, to modify the combination of Utsumi, Barraud and Engstrom to include the claimed navigational assets to provide a STT with customized navigational assets while also providing links to additional related assets resulting in access to a greater amount of information.

Regarding claim 28, the Combination of Utsumi, Barraud and Engstrom fail to disclose the claimed wherein initial navigation asset provided to a set top terminal comprises control information indicative of related navigational assets within asset data base having associated with them a capability level of STT receiving the initial navigational asset.

Utsumi discloses providing applications to a STT based on the capability level of the STT. Barraud teaches providing navigational assets to a STT based on the performance requirements or capability level of the STT (col 3 lines 1 - 28). De Vos teaches providing an initial navigational asset to STT, wherein the asset comprises control information which links the asset to other related assets (col 5 lines 6 - 30, initial asset met by menu - selections are downloaded from menu). It would have been obvious including an initial navigational asset provided to a set top terminal comprising control information indicative of related navigational assets within a data base having associated with them a capability level of the STT receiving the initial navigational asset would have provided a STT with links to additional customized related assets. Therefore, it

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would have been obvious to one having ordinary skill in the art at the time the invention was made, to modify Utsumi, Barraud and Engstrom to include the claimed providing the initial navigational asset to the STT to provide a STT with links to other customized navigational assets.

15. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Utsumi (6,195,677), Barraud (6,088,051) and Engstrom (6,044,408) and further in view of de Vos et al (6,167,044), as applied to claim 28 above, and further in view of Eyzaguirre et al (6,191,786).

Regarding claim 29, Utsumi, Barraud, Engstrom and de Vos fail to disclose the claimed navigation assets comprise applets including video information, graphic information and control information, the applets being provided to a set top terminal in response to user interaction with control information at set top terminal indicative of need for stored applets.

As discussed in claims 27 and 28, the combination of Utsumi, Barraud, Engstrom and de Vos disclose providing navigational assets (menu) comprising video information, graphic information, and control information to a set top terminal in response to user interaction with control information at the set top terminal indicative for the need (request) for stored assets.

Eyzaguirre teaches control elements include navigational links such as Java applets (col 9 lines 40 - 44). It would have been obvious including applets as navigational assets would have provided control information for customized linking to other related applets. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made, to modify the combination of Utsumi, Barraud, Engstrom and de Vos to include the claimed navigation assets

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comprising applets to provide customized linking to additional related applets and assets resulting in greater access to information.

***Conclusion***

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Legall et al - searching a television guide via the Internet

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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal  
Drive, Arlington, VA., Sixth Floor (Receptionist).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vivek Srivastava whose telephone number is (703) 305 - 4038. The examiner can normally be reached on Monday - Thursday from 8:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andy Faile, can be reached at (703) 305 - 4380.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 305 - 3900.

VS

3/20/01



**VIVEK SRIVASTAVA  
PATENT EXAMINER**